



भारत का राजपत्र The Gazette of India

CK
30/8/85

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 48] नई दिल्ली, बुधवार, अगस्त 22, 1985/श्रावण 31, 1907
No. 48] NEW DELHI, THURSDAY, AUGUST 22, 1985/SRAVANA 31, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha to-day the 22nd August, 1985:—

BILL No. 155 OF 1985

A Bill further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sales Promotion Employees (Conditions of Service) Amendment Act, 1985.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

11 of 1976.

2. In section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (hereinafter referred to as the principal Act), for clause (d), the following clause shall be substituted, namely:—

Amend-
ment of
section 2.

“(d) “Sales promotion employee” means any person by whatever name called (including an apprentice) employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales or business, or both, but does not include any such person—

(i) who, being employed or engaged in a supervisory capacity, draws wages exceeding sixteen hundred rupees per mensem; or

(ii) who is employed or engaged mainly in a managerial or administrative capacity.

Explanation.—For the purposes of this clause, the wages per mensem of a person shall be deemed to be the amount equal to thirty times his total wages (whether or not including, or comprising only of, commission) in respect of the continuous period of his service falling within the period of twelve months immediately preceding the date with reference to which the calculation is to be made, divided by the number of days comprising that period of service;”.

Amend-
ment of
section 4.

3. Section 4 of the principal Act shall be re-numbered and shall be deemed to have been re-numbered with effect from the 8th day of March, 1976 as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered, in the opening portion, the words and brackets “drawing wages (being wages, not including any commission)” shall be omitted;

(b) after sub-section (1), as so re-numbered, the following sub-sections shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976, namely:—

“(2) The maximum limit up to which a sales promotion employee may accumulate earned leave shall be such as may be prescribed.

(3) The limit up to which the earned leave may be availed of at a time by a sales promotion employee and the reasons for which such limit may be exceeded shall be such as may be prescribed.

(4) A sales promotion employee shall,—

(a) when he voluntarily relinquishes his post or retires from service, or

(b) when his services are terminated for any reason whatsoever (not being termination as punishment),

be entitled to cash compensation, subject to such conditions and restrictions as may be prescribed (including conditions by way of specifying the maximum period for which such cash compensation shall be payable), in respect of the earned leave earned by him and not availed of.

(5) Where a sales promotion employee dies while in service, his heirs shall be entitled to cash compensation for the earned leave earned by him and not availed of.

(6) The cash compensation which will be payable to a sales promotion employee or, as the case may be, his heirs in respect of any period of earned leave for which he or his heirs, as the case may be, is or are entitled to cash compensation under sub-section (4) or sub-section (5), as the case may be, shall be an amount equal to the wages due to such sales promotion employee for such period.”.

4. In section 6 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

Amendment of section 6.

“(7) Notwithstanding anything contained in the foregoing sub-sections,—

(a) in the application of any Act referred to in any of the said sub-sections to sales promotion employees, the wages of a sales promotion employee for the purposes of such Act, shall be deemed to be his wages as computed in accordance with the provisions of this Act;

(b) where an Act referred to in any of the said sub-sections provides for a ceiling limit as to wages so as to exclude from the purview of the application of such Act persons whose wages exceed such ceiling limit, such Act shall not apply to any sales promotion employee whose wages as computed in accordance with the provisions of this Act exceed such ceiling limit.”.

5. In section 12 of the principal Act, in clause (a) of sub-section (2), after the words “sales promotion employee”, the words “, the limit up to which he may accumulate earned leave, the limit up to which he may avail of earned leave at a time and the reasons for which such limit may be exceeded, the conditions and restrictions subject to which he may be entitled to cash compensation” shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976.

Amendment of section 12.

STATEMENT OF OBJECTS AND REASONS

The Sales Promotion Employees (Conditions of Service) Act, 1976 was enacted to regulate certain conditions of service of sales promotion employees as defined in that Act. This definition of "sales promotion employee" is somewhat restricted as it covers only sales promotion employees drawing wages not exceeding the ceiling limits provided in the definition; the ceiling limits being Rs. 750 per mensem in the case of persons drawing wages not including any commission, and Rs. 9,000 per annum in the aggregate in the case of persons drawing wages including commission, or commission only.

z z z

2. Section 4 of the Act makes specific provisions relating to conditions of service of sales promotion employees as to leave, while section 5 of the Act provides for issue of appointment letters in the prescribed form to sales promotion employees. Section 6 of the Act makes the provisions of the Workmen's Compensation Act, 1923, the Industrial Disputes Act, 1947, the Minimum Wages Act, 1948, the Maternity Benefit Act, 1961, the Payment of Bonus Act, 1965 and the Payment of Gratuity Act, 1972 applicable to sales promotion employees in the same manner as those Acts are applicable to workmen or, as the case may be, employees.

3. In order to make available the benefits under the Act to a larger number of sales promotion employees, it is proposed to amend the definition of "sales promotion employee" contained in the Act so as to bring within the purview of the definition all sales promotion employees other than persons who are employed in a supervisory capacity and who draw wages exceeding Rs. 1,600 per month, and persons employed or engaged mainly in a managerial or administrative capacity, and make necessary consequential changes in section 6 of the Act (*vide* clauses 2 and 4 of the Bill).

4. With a view to avoiding scope for any doubt or challenge, it is proposed to avail of the present opportunity to amend section 4 of the Act to cover expressly the various matters relating to earned leave and cash compensation in lieu of earned leave in respect of which rules have been made. This amendment is being given retrospective effect from the date of the making of the said rules (*vide* clauses 3 and 5 of the Bill).

5. The Bill seeks to achieve the above objects.

NEW DELHI;

The 8th August, 1985,

T. ANJIAH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to amend section 12 of the principal Act relating to the power to make rules to provide expressly for the power to make rules with respect to the limit up to which a sales promotion employee may accumulate earned leave, the limit up to which he may avail of earned leave at a time, the reasons for which such limit may be exceeded and the conditions and restrictions subject to which a sales promotion employee may be entitled to cash compensation in lieu of earned leave. The amendment is proposed to be made with retrospective effect from the 8th day of March, 1976 being the date on which the Sales Promotion Employees (Conditions of Service) Rules, 1976 were made. The matters in respect of which the rules may be made under these powers pertain to matters of detail and the delegation of power involved is, therefore, of a normal character. For the purpose of avoiding any scope of doubt and challenge, it is necessary to give retrospective effect to the amendment as the aforementioned Rules of 1976 contain provisions with regard to these matters.

BILL No. 158 OF 1985

A Bill for securing additional protection for Judges and others acting judicially and for matters connected therewith.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short
title and
extent.

1. (1) This Act may be called the Judges (Protection) Act, 1985.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Defini-
tion.

2. In this Act, "Judge" means not only every person who is officially designated as a Judge, but also every person—

(a) who is empowered by law to give in any legal proceeding a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or

(b) who is one of a body of persons which body of persons is empowered by law to give such a judgment as is referred to in clause (a).

Addi-
tional
protec-
tion to
Judges.

3. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-section (2), no court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function.

(2) Nothing in sub-section (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action (whether by way of civil, criminal, or departmental proceedings or otherwise) against any person who is or was a Judge.

4. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force providing for protection of Judges.

Saving.

STATEMENT OF OBJECTS AND REASONS

Judiciary is one of the main pillars of parliamentary democracy as envisaged by the Constitution. It is essential to provide for all immunities necessary to enable Judges to act fearlessly and impartially in the discharge of their judicial duties. It will be difficult for the Judges to function if their actions in court are made subject to legal proceedings, either civil or criminal.

Hence, this Bill.

NEW DELHI;

A. K. SEN.

The 12th August, 1985.

BILL NO. 160 OF 1985

A Bill further to amend the Estate Duty Act, 1953.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Estate Duty (Amendment) Act, 1985.

Short
title and
commence-
ment.

(2) It shall be deemed to have come into force on the 16th day of March, 1985.

2. In the Estate Duty Act, 1953, after section 5B, the following section shall be inserted, namely:—

Insertion
of new
section
5C in
Act 34 of
1953.

“5C. Notwithstanding anything contained in section 5, this Act shall cease to apply to the levy of estate duty in respect of any property (other than agricultural land) which passes on the death of any person on or after the 16th day of March, 1985.”

Disconti-
nuance
of levy
of estate
duty.

STATEMENT OF OBJECTS AND REASONS

In the Budget Speech, an announcement was made of the decision of Government to abolish the levy of estate duty in respect of estates passing on deaths occurring on or after the 16th day of March, 1985. This Bill is in pursuance of that assurance.

2. The new section proposed in clause 2 of the Bill seeks to provide that the Estate Duty Act, 1953 shall cease to apply to the levy of estate duty in respect of any property (other than agricultural land) which passes on the death of any person on or after the 16th day of March, 1985.

3 As regards levy of estate duty on agricultural land, it may be mentioned that the Estate Duty Act does not apply to the levy of estate duty in respect of agricultural lands situate in all the Union territories, and all the States except the States of Andhra Pradesh, Karnataka, Manipur, Nagaland, Punjab and Tripura. It is proposed in due course to introduce another Bill to provide for the abolition with effect from the 16th March, 1985, of the levy of estate duty in respect of agricultural lands situate in these States after the passing by the Legislatures of at least two of these States, of resolutions in that behalf under article 252 of the Constitution.

NEW DELHI;
The 14th August, 1985.

VISHWANATH PRATAP SINGH.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 134/44/85-TPL, dated the 16th August, 1985 from Shri Vishwanath Pratap Singh, Minister of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill further to amend the Estate Duty Act, 1953, has recommended under article 117(1) and article 274(1) of the Constitution of India, introduction of the Estate Duty (Amendment) Bill, 1985 in Lok Sabha.

BILL NO. 161 OF 1955

A Bill to amend the Railway Protection Force Act, 1957.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Railway Protection Force (Amendment) Act, 1955.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

23 of 1957.

2 In the Railway Protection Force Act, 1957 (hereinafter referred to as the principal Act), for long title, the following long title shall be substituted, namely:—

Amend-
ment of
long title.

“An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of railway property and for matters connected therewith.”

3. Section 2 of the principal Act shall be renumbered as sub-section (1) thereof, and—

Amend-
ment of
section 2.

(a) in sub-section (1) as so renumbered,—

(i) for clause (b), the following clauses shall be substituted, namely:—

‘(b) “Director-General” means the Director-General of the Force appointed under sub-section (1) of section 4;

(ba) “enrolled member of the Force” means any subordinate officer, under officer or any other member of the Force of a rank lower than that of under officer;

(bb) "Force custody" means the arrest or confinement of a member of the Force in accordance with rules made under this Act;;

(ii) in clause (c), the words "other than the superior officer" shall be omitted;

(iii) after clause (e), the following clause shall be inserted, namely:—

'(ea) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;;

(iv) after clause (f), the following clause shall be inserted, namely:—

'(fa) "under officer" means a person appointed to the Force as a Head Constable or Naik;;

(v) after sub-section (1) as to renumbered, the following sub-section shall be inserted, namely:—

"(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area."

Amend-
ment of
section 3

4. In section 3 of the principal Act,—

(a) in sub-section (1), for the words "a Force", the words "an armed force of the Union" shall be substituted;

(b) in sub-section (2), for the words "superior officers and members", the words "superior officers, subordinate officers, under officers and other enrolled members" shall be substituted.

Amend-
ment of
section 4.

5. In section 4 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Additional Inspectors-General, Deputy Inspectors-General, Assistant Inspectors-General, Senior Commandants, Commandants or Assistant Commandants of the Force.;"

(b) in sub-section (2), for the expression "Inspector-General", the expression "Director-General" shall be substituted.

Omission
of
section 5.

6. Section 5 of the principal Act shall be omitted.

Substi-
tution of
new sec-
tion for
section 6.

7. For section 6 of the principal Act, the following section shall be substituted, namely:—

Appoint-
ment of
members
of the
Force.

"6. The appointment of enrolled members of the Force shall rest with the Inspector-General, Additional Inspector-General or Deputy Inspector-General who shall exercise that power in accordance with rules made under this Act;

Provided that the power of appointment under this section may also be exercised by other superior officer as the Inspector-General, Additional Inspector-General or Deputy Inspector-General concerned may, by order, specify in this behalf.”.

8. In section 7 of the principal Act,—

(a) in sub-section (1), for the words “Chief Security Officer”, at both the places where they occur, the words “Inspector-General, Additional Inspector-General or Deputy Inspector-General” shall be substituted; Amendment of section 7.

(b) in sub-section (2), the words “and on his ceasing to be a member of the Force shall be forthwith surrendered by him to any superior officer empowered to receive the same” shall be omitted.

9. For section 8 of the principal Act, the following section shall be substituted, namely:—

“8. (1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command, supervision and administration of the Force shall vest in the Director-General.

(2) Subject to the provisions of sub-section (1), the administration of the Force, within such local limits in relation to a railway as may be prescribed shall be carried on by an Inspector-General, an Additional Inspector-General or a Deputy Inspector-General in accordance with the provisions of this Act and of any rules made thereunder and they shall, subject to any direction that may be given by the Central Government or the Director-General in this behalf discharge his functions under the general supervision of the General Manager of the Railway.”.

Substitution of new section for section 8

Superintendence and administration of the Force.

10. In section 9 of the principal Act,—

(a) in sub-section (1), for the word “member”, at both the places where it occurs, the words “enrolled member” shall be substituted; Amendment of section 9

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Any enrolled member of the Force aggrieved by an order made under sub-section (1) may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed:

Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) In disposing of the appeal, the prescribed authority shall follow such procedure as may be prescribed:

Provided that no order imposing an enhanced penalty under sub-section (2) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.”.

Substi-
tution
of new
section
for sec-
tion 12.

11. For section 12 of the principal Act, the following section shall be substituted, namely:—

Power to
arrest
without
warrant.

“12. Any member of the Force may, without an order from a Magistrate and without a warrant, arrest—

(i) any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such member, or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member; or

(ii) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence which relates to railway property; or

(iii) any person found taking precautions to conceal his presence within the railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to, railway property; or

(iv) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to railway property.”.

Amend-
ment of
section
15.

12. In section 15 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every member of the Force shall, for the purposes of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India.”;

(b) in sub-section (2), the words “superior officer or” shall be omitted.

Insertion
of new
section
15A.

13. After section 15 of the principal Act, the following section shall be inserted, namely:—

Restric-
tions res-
pecting
right to
form as-
sociation,
etc.

“15A. (1) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions labour unions or political associations; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.”

14. After section 16 of the principal Act, the following section shall be inserted, namely:—

“16A. (1) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any superior officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of his duties as a member of the Force.

(2) Any person who wilfully neglects or refuses to surrender his certificate of appointment, the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Director-General, has become the property of the person to whom the same was furnished.”

15. For section 17 of the principal Act, the following section shall be substituted, namely:—

“17. (1) Without prejudice to the provisions contained in section 9, every enrolled member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or lawful order made by a superior officer, or who shall withdraw from duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority for any employment other than his duty as an enrolled member of the Force, or who shall be guilty of cowardice may be taken into Force custody and shall, on conviction, be punished with imprisonment which may extend to one year.

Insertion of new section 16A.

Surrender of certificate, arms, etc., by persons ceasing to be members of the Force.

Substitution of new section for section 17.

Penalties for neglect of duty, etc.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable and non-bailable.

2 of 1974.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Central Government may invest Assistant Inspector-General, Senior Commandant or Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force:

2 of 1974.

Provided that—

- (i) when the offender is on leave or absent from duty; or
- (ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or
- (iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force; or
- (iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or to try the offence,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter.

(4) Nothing contained in this section shall be construed to prevent any enrolled member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section:

Provided that no person shall be punished twice for the same offence.”.

Substitution of new section for section 19.

16. For section 19 of the principal Act, the following section shall be substituted, namely:—

Certain Acts not to apply to members of the Force.

“19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, or any corresponding law relating to investigation and settlement of industrial dispute in force in a State shall apply to members of the Force.”.

4 of 1936.
14 of 1947.
63 of 1948.

Amendment of section 21.

17. In section 21 of the principal Act,—

(a) in sub-section (2),—

(i) in clauses (a), (b) and (c), the words “superior officers and” shall be omitted;

(ii) for clauses (d) and (e), the following clauses shall be substituted, namely:—

“(d) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(e) prescribing the places of residence of the member of the Force;

(f) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(g) regulating the punishments and prescribing authorities to whom appeal shall be preferred from orders of punishment, or remission of fines, or other punishments and the procedure to be followed for the disposal of such appeals;

(h) regulating matters with respect to Force custody under this Act, including the procedure to be followed for taking persons into such custody;

(i) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;

(j) any other matter which has to be, or may be, imposed, or in respect of which rules are required to be made under this Act;"

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

18. The amendments directed in the Schedule (being amendments of a consequential nature) shall be made in the principal Act.

Conse-
quential
amend-
ments.

19. (1) The Force constituted under the principal Act as functioning immediately before the commencement of this Act (hereafter in this section referred to as the existing Force) shall, on such commencement, be deemed to be the Force constituted under the principal Act as amended by this Act, and every member of the existing Force holding immediately before such commencement an office mentioned in column (1) of the Table below shall, on such commencement, be deemed to have been appointed to the office mentioned in the corresponding entry in column (2) of the said Table.

Provis-
ions as
to exist-
ing
Force.

TABLE

(1)	(2)
1. Director-General	Director-General

(1)	(2)
2. Inspector-General-cum-Chief Security Officer.	Inspector-General.
3. Additional Inspector-General-cum-Chief Security Officer.	Additional Inspector-General.
4. Additional Inspector-General	Additional Inspector-General.
5. Deputy Inspector-General-cum-Chief Security Officer.	Deputy Inspector-General.
6. Deputy Inspector-General	Deputy Inspector-General.
7. Principal, Training College	Principal, Training College.
8. Assistant Inspector-General	Assistant Inspector-General.
9. Deputy Chief Security Officer	Senior Commandant Headquarters.
10. Senior Security Officer	Senior Commandant.
11. Security Officer	Commandant.
12. Staff Officer to Chief Security Officer	Commandant-cum-Staff Officer to Chief Security Officer
13. Security Officer (Small Arms)	Commandant (Small Arms).
14. Commandant	Commandant.
15. Assistant Security Officer	Assistant Commandant.
16. Personal Assistant to Chief Security Officer.	Assistant Commandant-cum-Personal Assistant to Chief Security Officer.
17. Adjutant	Assistant Commandant Adjutant
18. Assistant Commandant	Assistant Commandant.
19. Principal, Training School	Assistant Commandant-cum-Principal, Training School.
20. Vice-Principal, R.P.F. Training College	Assistant Commandant-cum-Vice-Principal, R.P.F. Training College.
21. Inspector	Inspector.
22. Sub-Inspector	Sub-Inspector.
23. Assistant Sub-Inspector	Assistant Sub-Inspector.
24. Head Rakshak	Head Constable.
25. Battalion Havildar Major	Head Constable.
26. Coy. Havildar Major	Head Constable.
27. Senior Rakshak	Naik
28. Rakshak	Constable.

(2) Notwithstanding anything contained in sub-section (1), any member of the existing Force may, within thirty days from the commencement of this Act, exercise his option by notice in writing to the Director-General—

(a) if such member has been on deputation to the existing Force from any other service, to revert to such other service, and

(b) in any other case, to retire from service, and an option so exercised shall be final, and a member exercising such option shall

be permitted, within thirty days from the date on which he exercises such option to revert to the service from which he had been on deputation or, as the case may be, to retire from service.

Explanation.--For the purposes of this section, the expression "member" includes an officer, and the expression "Director-General" shall have the same meaning as in the principal Act as amended by this Act.

THE SCHEDULE

(See section 18)

CONSEQUENTIAL AMENDMENTS

1. Section 10—For "the Inspector-General and every other superior officer and every member of the Force", substitute "Director-General and every member of the Force".

2. Section 13—(a) in sub-section (1), omit "any superior officer or".

5 of 1898.
2 of 1974.

(b) in sub-section (2), for "Code of Criminal Procedure, 1898", substitute "Code of Criminal Procedure, 1973".

3. Section 14—Omit "superior officer or".

4. Section 20—Omit "superior officer or", wherever they occur.

STATEMENT OF OBJECTS AND REASONS

The Railway Protection Force has been constituted under the Railway Protection Force Act, 1957 for ensuring better protection and security of railway property. This Force has now been in existence for a period of about 28 years. During this period the sanctioned strength of the Force has considerably increased. The responsibilities of the Force have also grown in magnitude as well as in complexity.

2. The uninterrupted and secure movement of goods including essential commodities and passengers on the railways is of vital strategic importance. The railways not only play a very important and crucial role in the economic and industrial growth but also in the security and defence of the country. The Railway Protection Force Act, 1957 in its present form is considered inadequate to meet requirements of the Force in the present day context especially in view of the emerging responsibilities which Railway Protection Force now perform and which may devolve on it in the days to come. It is, therefore, proposed to amend the Railway Protection Force Act, 1957 as to make this Force an Armed Force of the Union and to make it a more efficient and effective instrument for discharging its responsibilities.

3. The following are the principal features of the Bill:—

(a) Declaring the Railway Protection Force an Armed Force of the Union and consequential changes in the nomenclature of different ranks in the Force in consonance with its changed character as an Armed Force.

(b) Conferment of additional powers on the members of the Force such as to arrest without warrant, to restrain misbehaviour on the part of the members of the Force, to effectively intervene for preventing imminent danger to the life of a person concerned with carrying on the work of the railways for the better protection of the railway property.

(c) Restrictions have been proposed on the right to form association on the lines of similar restrictions in other Armed Forces of the Union (clause 13 of the Bill).

(d) Conferment of additional powers on the superior officers of the Force for enforcement of discipline, imposition of penalties for various offences, regulating procedure for Force custody.

4. This Bill seeks to achieve the above objects.

NEW DELHI;

BANSI LAL.

The 9th August, 1985.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to substitute for sub-section (1) of section 4 of the Railway Protection Force Act, 1957, a new sub-section which provides for the appointment of a Director-General, Inspectors-General, Additional Inspectors-General, Deputy Inspectors-General, Assistant inspectors-General, Senior Commandants/Commandants and Assistant Commandants of the Force. The intention is not to create any post and it is only proposed to redesignate the existing posts. In view thereof, the provisions of the Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill seeks to amend section 21 of the Act which relates to the rule making power of the Central Government. By proposed amendments it is sought to empower the Central Government to make rules on the following, among other matters:—

- (a) the description and quantity of arms, accoutrements, clothing, etc., to the members of the Force;
- (b) authorities under sub-section (3) of section 17;
- (c) prescribing the places of residence of the members of the Force;
- (d) institution, management and regulation of any fund for any purpose connected with the administration of Force;
- (e) regulating the punishment and the authorities to whom appeal shall be preferred from orders of punishment, etc.;
- (f) matters with respect to Force custody;
- (g) disposal of cases relating to offences under the Railway Protection Force Act and place of confinement of persons convicted under the said Act.

2. The above matters pertain to matters of procedure or administrative detail and as such the delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.